

The State of South Carolina

2794
Library



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE 803-734-3970

June 15, 1987

Larry W. Propes, Deputy Director
South Carolina Court Administration
Post Office Box 50447
Columbia, South Carolina 29250

Dear Larry:

In a letter to this Office you referenced the provisions of Rule 77(d) of the State Rules of Civil Procedure which state in part:

(i)mmediately upon the entry of an order or judgment the clerk shall serve a notice of the entry by first class mail upon every party affected thereby who is not in default for failure to appear, and shall make a note in the case file or docket sheet of the mailing. Such mailing shall not be necessary to parties who have already received notice.

You indicated that a number of clerks of court maintain in their offices boxes, slots or pigeon holes assigned to specific attorneys or law firms where the clerks typically place rosters, notices or other documents addressed to that attorney or firm. Attorneys pick up such materials from their assigned box. You have asked whether in light of the provisions of Rule 77(d) notice of the entry of orders or judgments may be placed in these boxes or slots in lieu of mailing to attorneys by first class mail.


In the opinion of this Office attorneys may waive the notice by first class mail of the entry of an order or judgment provided by Rule 77(d). Therefore, such notice could be provided attorneys by clerks of court by the system outlined in your letter involving the utilization of slots or boxes in the

Mr. Propes
Page 2
June 15, 1987

clerks' offices assigned to attorneys or their firms. However, each clerk should obtain written authorization or consent to such a system from the attorneys which notes the specific waiver of the provisions of Rule 77(d).

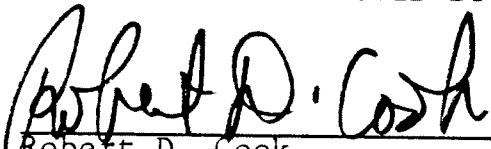
With best wishes, I am

Very truly yours,


Charles H. Richardson
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:


Robert D. Cook
Executive Assistant for Opinions